

LOWER PAXTON TOWNSHIP
BOARD OF SUPERVISORS

Minutes of Administrative Workshop Meeting held February 13, 2007

An administrative workshop meeting of the Board of Supervisors of Lower Paxton Township was called to order at 7:30 p.m. by Chairman William B. Hawk on the above date in the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Supervisors present in addition to Mr. Hawk were: William C. Seeds, Sr., Gary A. Crissman, and David Blain.

Also in attendance were George Wolfe, Township Manager; Steve Stine, Township Solicitor; Lori Wissler and Dianne Moran, Planning and Zoning Officers; Mark DiSanto, and Pete Leone, Triple Crown Corporation; Bob Fisher, R.J. Fisher & Associates; Ben Shields, Colonial Park Fire Chief; Dan Bair, Lower Paxton Township Chief of Police; Sam Robbins, Director of Public Works; and Jim Snyder, HRG, Inc.

Pledge of Allegiance

Mr. Blain led in the recitation of the Pledge of Allegiance.

Public Comment

There was no public comment made.

Discussion with representatives of the Township's fire companies regarding issues of mutual concern

Chief Bair explained that the Public Safety Committee met on February 8, 2007 and discussed the Fire Equipment Capital Plan and the resolutions related to it. They discussed the three pieces to be purchased in the third phase of the plan, and Chief Lowman of Paxtonia Fire Company made a recommendation to purchase an engine, instead of purchasing the rescue unit,

as approved in prior resolutions. Chief Lowman also wanted to maintain the old engine, which was an engine/rescue unit, which would then be used strictly as a rescue unit. Chief Bair noted that the plan as approved was for nine units, and this change would approve the purchase of ten pieces of apparatus. The members of the Public Safety Committee voted to approve Chief Lowman's recommendation. Mr. Seeds asked if the Township would still buy three, and replace two. Chief Bair answered yes, noting that a tanker would be purchased for Linglestown, an engine for Colonial Park, and an engine for Paxtonia. Mr. Seeds noted that they would still only be purchasing nine units. Chief Bair explained that one piece of apparatus slated to be sold would not be sold. Chief Shields stated the first three pieces bought in 1998 were a ladder and engine for Paxtonia and an aerial for Colonial Park. Mr. Hawk noted that the memo from February 9th explained the information well, at a cost of \$1,135,000 for three pieces of equipment.

Mr. Hawk asked if there was any discussion as to what order those three pieces would be purchased. Chief Bair stated that that has not been discussed yet.

Mr. Hawk asked how much money is in the Fire Capital Plan. Mr. Wolfe stated that there is over a million dollars, and expected there to be sufficient funds in the Plan at the time payment will be expected for these pieces of equipment.

Chief Shields stated it will be about a year and an half to go through the process. Chief Shields noted that if all three pieces are from one vendor, there is usually a discount associated with the final price.

Mr. Hawk noted that if all three pieces are ordered at the same time, it would probably expend the Fire Capital Fund. Mr. Hawk noted that the equipment is to be replaced on a

frequency basis. Chief Bair stated the life span of these nine pieces is to be 18 years. The next round of equipment purchasing should be about ten years away.

Mr. Seeds stated that since there are ten pieces instead of nine, there would be a rotation of ten. Chief Bair agreed that would be true if the Board decides to keep all ten.

Chief Shields stated that if the Board considered replacing the equipment at a sooner time, the equipment would be worth more. For example, engine 33-1 is 21 years old. When it was purchased it was \$325,000, and is now worth \$35,000 at the very most. That money would go into the Fund. The longer the piece goes, fire companies may not want it because of the NFPA codes. The older pieces are also harder to sell because of their age.

Mr. Hawk asked how soon the equipment is needed. Chief Shields would only speak for engine 33-1, noting it is a safety hazard and will not allow his men to ride in the jump suits. The cab does not meet any safety standards or NFPA requirements. He can no longer get parts for the Hon apparatus.

Chief Bair stated that with any fleet maintenance program, there is an estimated lifespan. As the years go on, it needs to be reevaluated based on resale value and the cost to maintain the equipment. When the resale is so low and the maintenance costs outweigh the cost of new equipment, it may end up being less than 18 years.

Chief Shields noted that it costs more to buy the same part for an older piece of equipment than a newer piece, because the pieces are harder to find.

Mr. Blain asked if the Township would be able to resell the engine as an engine or scrap. Chief Shields stated that it would be sold to smaller communities that use the equipment a little different, they put a driver on the truck, and the others go POV, so they do not necessarily transport the people. The cab would be used to store equipment rather than carrying people.

Mr. Crissman noted that that community would bear the expense of the harder to get parts. Chief Shields agreed.

Mr. Crissman asked to what extent Chief Shields is worried about not getting a part, causing the engine to sit. Chief Shields stated he can get parts right now, but they are very expensive, and sometimes take longer to get, and the part may possibly need to be made by the vendor just to keep it on the road.

Mr. Blain stated there comes a point where it may be possible to keep a piece of equipment for 21 years, but it may make more sense to sell it after 10 years and get a new piece of equipment. The parts would be cheaper, and there would be substantial residual value in the piece.

Mr. Hawk suggested it should be decided how the pieces should be purchased, either singly or all at once.

Mr. Wolfe stated that in the past, the Board of Supervisors approves the next phase of the Fire Equipment Capital Fund, by authorizing the fire chiefs through the Public Safety Committee, to initiate the purchase of the engines recommended. In doing this, the Public Safety Committee and the fire chiefs can develop the time schedule.

Mr. Seeds noted that the memo refers to the new engine for Paxtonia saying it would reduce the demand to respond first due on all structure fires, reducing the demand placed on engine 34 where the primary response will be reduced to rescue and mutual aid calls. Mr. Seeds asked if that meant that it will be first due for Paxtonia only. Chief Shields stated it is first due for the whole Township. Chief Shields explained that the way the boxes are set up, if there is a structure fire, all Township apparatus are first due. They are first due in Lower Paxton Township before going outside the Township. It would not be first due for vehicle fires or dumpster fires.

Mr. Seeds asked if all three chiefs are in agreement. Chief Shields answered yes. Mr. Hawk noted that the Committee members voted to approve it. Mr. Seeds asked for clarification that the chiefs are all in agreement, not just the Committee as a group. Chief Shields stated they are in agreement, and they understand that each company looks at it from the perspective of how it would serve their operation as well as the Township as a whole.

Review of a proposal from Navarro & Wright to provide design services for construction of a parking lot on property being leased from the Linglestown Life United Methodist Church

Mr. Wolfe explained that he and Mr. Sam Robbins have met with Paul Navarro of Navarro and Wright Associates regarding the satellite parking lot that the Township has agreed to build in the Village of Linglestown as part of the implementation of the Linglestown Square Project. This parking lot will be located on property owned by the Linglestown Life United Methodist Church and the Township has entered into a lease agreement with the Church to provide for this parking lot. Part of the Township's commitment is that they need to have the parking lot in place by June 30, 2007. Public Works needs certain design services to be able to build the parking lot. The proposal submitted by Navarro and Wright provides those services. This proposal reflects the maximum services needed. Some of the stormwater management issues may be worked out with the County Conservation office without a formal plan submission. That would reduce the overall cost for professional services. The services to be provided include topographic surveys, stormwater management plans, E&S plans, coordination with PP&L and design of utilities and design of parking lot lighting, preparation of plans for review by the Church and the Township, and preparation of construction plans for the Township Public Works Department. Some services are excluded, and the overall cost for services is listed

as \$23,750. Staff needs professional services before the Township can move forward with the parking lot. Mr. Wolfe asked for the Supervisors' opinions.

Mr. Seeds felt the rates were a little high and was concerned about that.

Mr. Crissman felt that if this was the engineer the Township wanted, they should be able to negotiate the rates.

Mr. Seeds did not like paying more for services from one engineer when there is already another engineer routinely giving good service for less. Since Navarro and Wright did the preliminary work for the Church, their total cost should be less than another one that would have to start from scratch.

Mr. Crissman asked if Mr. Seeds was comfortable with the company itself, noting that if the choice in companies was not the issue, he was not opposed to negotiating rates with this company, such as a not to exceed amount.

Mr. Seeds was familiar with Navarro and Wright, noting they have not done work for the Township before. Mr. Crissman asked if they have the most experience on this particular project.

Mr. Blain stated that the project is only the design of a parking lot, and felt it made sense to get another bid or two. Mr. Wolfe stated they did not have that option. The only other option is to go to the Township engineer. This is a special circumstance where the other party already had an engineer who has already done work on the item, so it is justified to ask that engineer to provide the service, but it is not appropriate to go to another engineer besides HRG.

Mr. Blain suggested asking HRG for a cost proposal. Mr. Seeds liked that idea.

Mr. Robbins asked if the Township could ask Navarro and Wright to provide the base information. Mr. Wolfe stated the Church would not be required to do that, noting it is not part

of the agreement with the Church. Mr. Robbins felt it would save the Township money. Mr. Wolfe stated they could ask the Church, but they are not required to provide it. Mr. Stine noted the Church may not have the right to do that. Mr. Wolfe stated the Church only has base data for the upper level, and not for the lower level. They did do the concept plan, but none of the survey work for the lower level. Board members agreed to have HRG look at it.

Review of the draft SWANA Report on the Township's compost facility that has been prepared by Gannett Fleming, Inc.

Mr. Robbins explained that the reason the Township wants to have this performed is that they are having concerns with the volume of compost coming into the compost site, how it is processed, keeping safety in mind, proper handling of the material; and this provides a guidance tool for 902 Grant money for future equipment needs at the compost facility.

Mr. Hawk asked if the recommendation is to move to another site, and until then, do certain improvements at the current site. Mr. Robbins stated that is correct, at a minimal cost. They could purchase three or four pieces of equipment to use at the current site, but could also be reestablished at the new site.

Mr. Robbins noted when the Township initiated this report, the compost facility was not permitted by DEP, and it still isn't. Some neighbors in Hodges Heights complained to DEP. DEP then requested the Township permit the site. In looking at those requirements, it becomes increasingly difficult. The tract is 16 acres, but there is limited area to actually work because of the topography.

Mr. Seeds asked what the size of the landfill is. Mr. Wolfe stated it is 56 acres, and the 16 acres is the upper level portion, there is about 50 acres of garbage. That includes the park, leachate collection facilities, lower level, bowl area, and wooded area in the back.

Mr. Robbins stated that DEP requires a 300 foot buffer between any dwelling and the composting activities. Mr. Robbins displayed a drawing that shows the 300 foot buffer from the proposed development of Kendale Oaks. The drawing shows the existing operation within that 300 foot buffer.

Mr. Seeds asked if there is a deadline to become licensed. Mr. Robbins stated DEP is trying to work with the Township.

Mr. Hawk noted this is not something that can be easily fixed. Mr. Robbins agreed, noting that decisions made now will be key to the future.

On the current site, Mr. Robbins stated that there are two main areas for working. It will be problematic to be trucking material across to the other end of the site. Mr. Hawk noted it will not increase efficiency, which is one of the recommendations.

Mr. Hawk asked where the compost facility could be relocated to. Mr. Robbins stated the only area he has looked at is the Wolfersberger tract, near the paint ball area. Mr. Wolfe added that because of the value of land and the level of development in Lower Paxton Township, it will be difficult to find a suitable site.

Mr. Wolfe noted that there has been discussion on a County-level to develop a county-wide compost facility, which would not be located in a heavily developed area. Mr. Wolfe felt that hauling waste from a transfer site within the Township to the county site would be ideal. Mr. Seeds noted that anywhere a compost facility is proposed will create opposition from the neighbors.

Mr. Robbins stated that the biggest problem facing the Township's compost facility is the large volume of material because of how heavily used the site is. The proposed regulations greatly restrict the amount of composting that can be done on the existing site.

Mr. Robbins noted that if the compost facility were moved to another location on the same site, there will be problems with moving the gas collection facilities. They are not designed to have loaders and heavy equipment on top of them.

Mr. Hawk speculated that a short-term fix would be to address some equipment needs, buffering, and modifications to reduce dust.

Mr. Robbins asked Mr. Wolfe if DEP could come back and refuse to permit the site. Mr. Wolfe felt that since DEP is telling the Township they have to have the site, they wouldn't turn around and tell the Township it cannot have the site where it's been for 12 years. Mr. Wolfe added that they may tell the Township how to do it.

Mr. Seeds asked if it would help to have an area on the north side of the Township also. Mr. Wolfe noted that having two sites does have advantages, however, that will also create issues with manpower and equipment. Mr. Robbins agreed.

Mr. Wolfe stated that this report was paid for by DEP, not Lower Paxton Township. Mr. Blain noted that it was for \$7,500. Mr. Wolfe added that DEP selected the engineer to perform the work. The report provides an independent analysis by a contractor for DEP to provide some valuable information in the attempts to improve the compost facility.

Mr. Seeds asked about the handwritten notes on the report. Mr. Wolfe stated this is a draft and the notes were added by Mr. Robbins.

Mr. Seeds questioned the cost for the leaf waste collection program. Mr. Robbins stated it was \$66 for the previous year, but will go up to \$70 for the 2007-2008 year.

Mr. Seeds questioned the DEP requirement of one spring collection, noting they do not require that, they only recommend it.

Mr. Seeds noted that Mr. Robbins' long-term recommendation is that the Township let a hauler take the leaf waste and get the Township out of the business. Mr. Robbins agreed, noted that he is also concerned that if, in trying to keep the rates down, the hauler takes the material to the Township's facility, the Township has to be very careful that they do not take too much there, since it is already undersized.

Mr. Seeds stated that in the mid-90's the Township had a garbage collection program that included yard waste collection for everyone, for a rate of \$2.50 more per quarter on the trash bill. This created a lot of complaints from people that do not need or use the service. Mr. Seeds compared those complaints to people that do not have children complaining that everyone has to pay school taxes, or people that put out only one can of garbage and complain that others put out four cans for the same rate. Mr. Seeds noted that if the Township chooses to implement the same system, there will be a lot of complaints.

Review of a request from residents of Oscar Alley for the Township to accept the alley as a public right-of-way

Mr. Wolfe explained that all of the residents of Oscar Alley have requested that Lower Paxton Township accept this alley as part of the public transportation system. This request has been submitted several times in the past, and the Township told the residents that they had to have the concurrence of all of the property owners before the Township would accept the offer of dedication. In the past, there has always been at least one property owner that would not

participate in the offer, so no action was taken. Mr. Robbins has been in touch with one of the property owners, Ms. Klobucar, who acts as a spokesperson. The only person who has not signed is Mr. Kautz, and he is willing to sign as long as it can be done without creating any drainage issues, according to Ms. Klobucar. Mr. Crissman asked why nobody has spoken to Mr. Kautz directly.

Mr. Wolfe stated that it is Township policy that if there is a private unaccepted right-of-way, that people are using, the residents offering it have to do all the background work to get concurrence from all neighbors affected. That has to be brought to the township in a petition form, and if they do so, the Township will pursue it from there. Mr. Crissman understood, but wanted to know if Ms. Klobucar was a legal representative for Mr. Kautz, or how she is involved. Mr. Hawk stated she lives on Devonshire Road and has no parking in front of her house, so she uses the alley behind. Mr. Crissman stated she is not an affected property owner. Mr. Robbins stated she is an affected property owner. Mr. Wolfe stated she is the neighborhood resident taking charge and doing the leg-work for the project.

Mr. Wolfe stated she is a granddaughter of Oscar Lingle. She is indicating to the Township that everyone has signed except one, who is willing as long as the Township addresses his stormwater issues.

Mr. Wolfe wanted to know if the Board was willing to accept the right-of-way, before trying to address Mr. Kautz's issues.

Mr. Robbins stated that the Township would incur costs to reclaim the road and bring it up to standards. Mr. Hawk asked how much cost. Mr. Robbins stated it would cost about \$30,000 to \$35,000, which includes paving and drainage.

Mr. Robbins stated Ms. Klobucar has been in contact with him for many months, and he instructed her to get all the neighbors signatures. She did do that with the exception of Mr. Kautz. Mr. Seeds asked if the Township told her it would accept the road if she got all the signatures. Mr. Robbins stated that is correct. Mr. Wolfe added that that has been a long standing policy.

Mr. Hawk asked if the alley will need to be improved regardless if the Township accepts it or not. Mr. Robbins stated that it does not have to be improved if the Township does not take ownership of it. If the Township does take it, they would have to reclaim it, grind it up, put base in, stone and seal coat, et cetera.

Mr. Hawk stated the Township does not have to take ownership of it, and if they do, they would upgrade it. Mr. Wolfe stated the road does not get upgraded until everyone signs.

Mr. Robbins stated that if the Board told him to move forward with this, he would go to Mr. Kautz attempting to get his signature.

Mr. Blain asked what the advantage would be to the Township for owning the alley, noting they have never owned it.

Mr. Seeds stated that over the years, more and more traffic is using alleys to get in and out of their properties.

Mr. Robbins stated there is no advantage to the Township to owning the alley. The alley will have to be plowed. Mr. Seeds noted they plow it now. Mr. Robbins stated it is easier to make one pass down an unimproved alley than to plow something with a reverse crown.

Mr. Wolfe stated that staff has been acting in accordance with a policy that is about 7-8 years old, and there is no obligation to accept it if the Board does not want to. Mr. Seeds stated that the Township told the neighbors over the years that they would do it if they could get the

signatures. Mr. Seeds did not want to accept the road, but felt they had a responsibility to do it. Mr. Crissman questioned why Mr. Seeds felt responsible to do it. Mr. Seeds stated that the traffic on Devonshire Road has really increased, and is not always safe to get in and out of, and some of those people do not have driveways onto Devonshire road.

Mr. Robbins stated that Ms. Klobucar's primary complaint was that she did not have off-street parking. The alley will still only be 20 feet wide, and will be hard to park on.

Mr. Seeds was not sure how the Board could say no since they will be doing this in Linglestown, and because of the conditions on Devonshire Road and the amount of traffic.

Mr. Robbins stated there is always the risk of accepting one alley, then being obligated to do others.

Mr. Blain suggested waiting until next month to make a decision, noting it has never been a dedicated road in the past.

Discussion with Triple Crown Corporation regarding the requirements of the zoning ordinance as it pertains to slopes

Mr. Wolfe stated that staff and the Township engineer have found the slope ordinance difficult to administer in regard to new developments. There are also some technical deficiencies that need to be corrected, such as a lack of slope requirement for a single family condominium development.

Mr. Wolfe stated that the interpretation of paragraph 310.D.1 is problematic.

Mr. Snyder agreed that the present ordinance is difficult to administer, and felt the 15% slope regulation is too restrictive. Mr. Snyder has suggested in the past that 25% is more appropriate.

Ms. Wissler noted that there is one variance now, and one that will be heard regarding the steep slope restrictions.

Mr. Seeds stated that a lot of discussion went into that section of the ordinance and Charlie Schmehl was going to change that. Ms. Wissler noted that it is proposed to be changed, but not enough.

Mr. Seeds asked if this plan was approved under the old R-C zoning. Mr. DiSanto answered yes. Mr. Seeds asked if he still has to follow the new ordinance.

Mr. Stine stated that the zoning ordinance was adopted before Triple Crown Corporation submitted their plan. The plan is governed by the ordinance in effect at the time of submission.

Mr. Seeds did not agree with making it 25% where the buildings actually sit, and felt it should remain 15%.

Mr. DiSanto stated that in applying this, the exposed basement house is where this comes in. If the house is 30 feet deep, and there is a 9 foot grade differential, that creates a 30% slope.

Mr. DiSanto felt that the ordinance should be left as it is, except to change the 15% to 25%, as an average slope over the lot. This would allow for 30% in one area and 10% in another and be within the regulations. This would fix 95% of the issues being presented.

Mr. Seeds asked about the slope of a driveway. Mr. DiSanto stated that ordinance now allows 15% slopes, but the lot can't be over 15%, making the ordinance inconsistent.

Mr. Seeds asked Mr. DiSanto if he felt the driveways should also be 25%. Mr. DiSanto felt that the driveway regulation at 15% seemed fine, and was not asking to change that. He is only interested in changing the average slope on the lot to 25%. Mr. DiSanto stated that there are very few lots that are less than a 15% slope in this township.

Bob Fisher, R.J. Fisher and Associates, presented a cross section exhibit to demonstrate the concept. The exhibit showed the street in the middle between the slopes, and exposing the basements on both sides. The 15% slope works great for the driveway.

Mr. Seeds stated the ordinance change would not just be for this development, but for everyone. Mr. DiSanto stated that he agreed, and showed the members of the Board some photographs of existing homes with exposed basements on a 30% slope, in the Olde Colonial Village development. This shows the 25-30% grades are very workable. He also presented photographs of the Blue Meadows Farm development.

Mr. Seeds commented that the houses in the pictures are 10-15%. Mr. DiSanto agreed they are about 10-15% in the front, but the backs are more.

Mr. DiSanto stated he is asking that the regulation be changed to an overall lot average of 25%. This will help the codes officers, but also still be very functional.

Mr. Fisher noted that an exposed basement is a very desirable option. The 15% regulation prohibits that.

Mr. Crissman agreed 15% becomes difficult for the developer.

Mr. Seeds asked if Jim Snyder was in agreement. Mr. Snyder's concern was not really the average slope on the lot, but what slopes should be protected. The slopes that should be protected are those at 25% or greater, because they are natural areas that should not be built on. The average slope of the lot is not too significant after it has been graded. When a plan is drawn up, the developer will delineate the slopes of 25% or greater and stay away from them. The rest will be graded to create desirable building lots.

Mr. Seeds asked if Mr. Snyder agreed with the 25% slope for the building and 15% for the driveway.

Mr. Wolfe suggested that there should not be a driveway slope regulation in the zoning ordinance. Mr. Snyder noted that it is regulated in the proposed Subdivision and Land Development Ordinance. Mr. Wolfe stated that if the regulation is in the zoning ordinance, it would require a variance to have a driveway of more than 15%, noting that there are many driveways in the Township steeper than that. Ms. Wissler added that the driveway regulation is proposed to be removed with the amendment.

Mr. Snyder stated that there are certain things that belong in the Zoning Ordinance and others that are more appropriate in the Subdivision and Land Development Ordinance. A developer could come in under the zoning ordinance and grade the lot before filing the actual plan. If the Zoning Ordinance provides some level of protection, then most of the regulations can be in the SALDO, where, when necessary, a waiver can be obtained.

Mr. Seeds asked about section 310.D.1, regarding 3,000 square feet. Mr. Wolfe stated that could be removed. Mr. Stine noted that staff struggled with that and had been doing it wrong the whole time.

Mr. DiSanto noted that the problem with putting these things in the Zoning Ordinance is that you have to get a variance and prove a hardship to the Zoning Hearing Board, whereas if it is in the SALDO, a waiver can be obtained.

Mr. Wolfe stated that staff will prepare an amendment.

Status report regarding the right-of-way plan for the Linglestown Square Project

Mr. Wolfe stated that the Village of Linglestown Committee will meet this Thursday the 15th of February. Arora Engineers will present to the Committee the complete right-of-way plan for the Linglestown Square Project. The Committee will either approve the plan as submitted, or

approve the plan with modifications. Once the Village of Linglestown Committee makes their recommendation, it will be brought to the Board of Supervisors. This could be as soon as February 20th. At that time, the Board can take action on the plan. If they approve it, it will be submitted to PennDOT. Once PennDOT approves the plan, Mr. Stine will then be in a position to begin acquisition of necessary right-of-way. The right-of-way, plan as prepared by Arora, minimizes any permanent takes of property, except for the bypass road.

Mr. Wolfe stated that within the Linglestown Road and Mountain Road area, there are a large number of properties that will be affected by acquisition of temporary right-of-way for construction purposes. There will be a small amount of right-of-way taken permanently for the roadway project. The right-of-way will extend from the outer limits of the curbing to the center of the road. The tree lawn and sidewalk will be on private property. There will be slivers of permanent take along the existing alignment of the curbing in Linglestown. There will be temporary taking to provide for construction purposes.

The bypass road will require a permanent take. The bypass road will connect the round about at Pennsylvania Avenue to Blue Mountain Parkway. The Committee recommended approval of the alignment of the road that comes out of Blackberry Alley. Mr. Wolfe felt that alternative #5 is the most appropriate. Mr. Stine has also reviewed the alternatives, primarily #2, #3, and #5, and has provided information regarding an appropriate selection, with regard to transportation.

Mr. Snyder referred the Board to his letter to Mr. Wolfe dated February 13, 2007. He reviewed Alternates #2, #3, and #5, based on design criteria, costs, impacts to private property, and other factors. Mr. Snyder stated that #2 and #3 are similar and both align with Blackberry Alley. Alternative #5 starts further north on Blue Mountain Parkway, cuts through open area on

the Rowe property, and comes down to meet Linglestown Road at the same point as Alternatives #2 and #3, the roundabout at Pennsylvania Avenue.

Alternative #2 has a tight radius and doesn't align properly with Blackberry Alley, and PennDOT did not feel that was the most desirable alignment. Alternative #3 is the same, but is shifted to align with Blackberry Alley, creating a larger turning radius accommodating larger vehicles. That creates a total take of a property, cutting through a house. It also impacts five other properties, taking a garage, and reconstruction of a private property line, and some other takes.

Alternative #5 impacts three properties, with no physical impact to structures or physical improvements to those properties. The roadway is slightly longer, and will marginally increase the construction cost. Mr. Snyder felt that those are fully offset by not impacting structures. Based on his review, Mr. Snyder supports Alternative #5 as the best alignment and connection.

Mr. Hawk noted that that seems to be a universal feeling.

Mr. Wolfe asked Mr. Stine to comment on the liability issues. Mr. Stine stated he has met with Jeff Case and Mark Silver concerning the issue. The turning templates for Alternatives #2 and #3 pose problems. One of them pushes large vehicles into the opposing travel lane, and there is no other way to get around the corner. The other one is possible for large vehicles to negotiate the turn, but they will probably go into the opposing lane anyway because of how tight it is. To design a new roadway, knowing what a likely outcome is, exposes the Township to potential liability for a design defect. There is an alternative where that is not a problem, so that exacerbates that liability. The question of whether there is a design defect rendering something a dangerous condition or not reasonably safe, is left to a jury. A jury will see a municipality with lots of money who had the option to choose a safer design. That jury will be looking at the facts

and a sympathetic plaintiff and a township that could have done a better job and prevented it.

There are design defect cases brought to the courts about roads that were designed some time ago, and are not nearly new.

This is a case where the road is not even there yet, and the Township already knows what the issues are, and it is a conscious choice of the Township's. It may be not only negligent, but reckless conduct to choose something that is not the best from a safety perspective.

One of the biggest concerns is not the large truck or bus in the opposing lane and hitting someone on the bypass road, but Blackberry Alley comes out and there is a driveway coming out of a business. If the person exiting the business wants to turn right, he will not look right to see if someone is coming out of the other road. There is a potential conflict with someone coming out of the alley. This is also a repeatable verdict.

Mr. Wolfe stated that he can transmit the comments from Jim Snyder and Steve Stine to the Village of Linglestown Committee for their upcoming meeting from the Board of Supervisors. Mr. Crissman agreed that should be done as soon as possible, and asked what specifically would be sent. Mr. Wolfe stated he will send a transmittal from the Supervisors, the opinion of counsel, and the opinion of an independent engineer.

Discussion with HRG, Inc. regarding a multi-year renewal of the contract for services as
Township Engineer

Mr. Wolfe stated that the Board of Supervisors has requested that HRG provide a multi-year schedule of costs for services. The multi-year proposal, the fees for services that HRG has charged the Township for 2006, the standard fee schedule for 2007, and the original proposal for

2007 based upon the Township's agreement for services. Paragraph B of the agreement is what may be amended to enter into a multi-year agreement.

Mr. Jim Snyder stated that the last proposal for an annual increase was based on the prior 2005 year, adding the 10% reduction for 2006. The fee schedule for 2007 was increased by about 5%. Mr. Snyder then looked at the historical cost trends, and came up with something that could be locked into for a three-year period. In addition to that, the retainer amount is not changing, and HRG still offers the 5% discount when fees go over \$100,000, exclusive of subdivision and land development reviews. This represents what Mr. Snyder felt is a reasonable fee to lock in for the three-year period.

Mr. Seeds asked why subdivision and land development reviews are not added into the total. Mr. Snyder stated that those fees are passed by the Township onto the developers.

Mr. Hawk stated that the 2007 rate schedule submission versus the 2007-2009 allows for cost of living increases and salary adjustments. Mr. Snyder answered yes, noting that salary increases average 5-6% each year, and the cost of doing business increases. With what is proposed, Mr. Snyder was willing to fix that for a three-year period.

Mr. Crissman asked if the numbers projected on the fee schedule are fixed for 2007, 2008 and 2009, with no escalation between years. Mr. Snyder stated that is correct, the rates would be locked in until December 31, 2009.

Mr. Wolfe stated that in each Supervisor's packet, there is the three-year proposal, the standard fee schedule for 2007, rates charged to the Township in 2006, and the rates for a one-year service agreement with Lower Paxton Township. Mr. Crissman asked if the page showing the rate for one year of service is the same rate that will be charged each of the years in the three-

year agreement. Mr. Wolfe stated that is not correct, and referred the Board members to the page titled "2007-2009", and the last page titled "Proposed 2007 Fee Schedule."

Mr. Seeds stated that the rates for all classifications of employees, in the one-year proposal, are less than the three-year rate. Mr. Seeds stated that if the Township goes with the three year plan, they will pay more for 2007, than they would if there was just a one-year contract. Mr. Snyder agreed, but noted that they will be paying less in the long run. Mr. Seeds asked if that meant that by paying more in the first year, they will receive a break in the next two years. Mr. Blain stated that the Township will pay more than originally proposed, but asked for assurance that HRG will not come back until after 2009 for a rate increase. Mr. Snyder agreed. Mr. Blain stated that in the end, it will be a much lower rate than if the engineer came back every year.

Mr. Snyder stated the Township will still appoint its engineer every year even though it's a three-year term.

Mr. Crissman stated he wants the three-year contract and believes in three-year contracts. However, the lower end of the classifications have lower percentage increases while the upper range of employees have an increase of about 7.5 percent. Mr. Crissman asked for an overall average of 5-5.5%, noting that 6% is too high for an overall average. If Mr. Snyder can make that happen, he will have Mr. Crissman's support. Mr. Snyder asked if Mr. Crissman wanted an annualized fee and Mr. Crissman answered yes. Mr. Crissman noted that the majority of the billable hours are at the high end of employees, and the Township will end up paying that 7.5%, and he is not satisfied with that. Mr. Snyder guessed that the numbers proposed annualize at 3.5-4%. Mr. Blain clarified that the top employee is really at 6%, not 7.5%.

Mr. Snyder noted that the percentage increases are on a substantially discounted rate to begin with. Mr. Crissman stated that does not matter since another engineer would also bring a discounted price to the Township, and asked for better numbers.

Mr. Blain stated that the increase from 2006-2007 for the principal is from \$146 to \$155, which comes out to 6%. That rate would then hold steady for the next three years. The senior professional would go up about 6.66%. Mr. Snyder noted that increase is only in the first year. Mr. Blain noted that the increases gradually decline to 5%, less than 5%, 4%, et cetera.

Mr. Blain asked who does the majority of the work. Mr. Snyder stated it varies depending on the assignment, but with subdivision/land development reviews, it would be primarily Mr. Snyder (principal), staff professional, staff senior professional and in that general range. Employees like senior tech and general tech do not factor in unless working on design projects. Mr. Snyder stated the rates cannot be looked at as simply mathematical averages. Mr. Blain agreed, noting that the majority of the work being done for Lower Paxton Township will be by staff professional and senior professional, with principal as needed. Mr. Blain asked if the increases for those higher classifications could be reduced somewhat, such as from \$155 to \$153, and from \$135 to \$133. That way those increases would be more in line with what is proposed at the lower levels, and they should still be at about 5%.

Mr. Blain asked if the 5% would make working for the Township reasonable for HRG. Mr. Snyder stated he will have to look at the figures, but explained that HRG's costs increase about 5-6% per year. When looking at that increase, it is given to the Township over three years. Even though they are talking about a 5-6% increase, when the three-year agreement is annualized, it comes out to a 3% increase.

Mr. Blain understood that HRG needs to make a profit, but asked for Mr. Snyder to look into reducing the top three or even the top two paid people, by \$2. That would work and make sense. Mr. Snyder asked if that would address Mr. Crissman's issues as well. Mr. Crissman stated he will be closer. Mr. Seeds agreed with it, noting there is a trust in the agreement.

Mr. Seeds stated he would prefer to see the 2007 as was proposed, and do the escalator for the next two years. Mr. Crissman stated he did not want an escalation; he wanted to know the rate up front and wanted it fixed. Mr. Blain agreed with Mr. Crissman, noted he thought what is proposed is pretty fair, but wanted it to be a little bit better.

Mr. Crissman asked Mr. Snyder to go back, work on the numbers and submit a different proposal. Mr. Wolfe asked that it be done by the 20th. Mr. Crissman asked that it be done by Friday so he can review it. Mr. Snyder asked for a verbal agreement now, noting he will work on the numbers by Friday. Mr. Wolfe stated that there was a general consensus that the 2007-2009 proposal is okay as long as the top two rates are reduced by \$2. Mr. Crissman did not agree, and wanted more than just the top two reduced. Mr. Blain felt that staff professional 2, staff professional 1, could also be worked on.

Mr. Blain asked what the difference was between the staff professional 2 and the senior tech, since they have the same rate. Mr. Snyder stated the technician category is not an engineer, and is not licensed or degreed.

Mr. Snyder will submit an amended proposal by Friday.

Mr. Crissman will review the proposal and discuss it with Mr. Wolfe on Saturday since he will not be at the meeting on Tuesday.

Otta Know Presentation: Business Improvement District-a potential tool for Lower Paxton Township

Mr. Hawk thought that the Township may want to consider an enhancement to the Route 22 corridor, and consider it a business improvement district. Harrisburg has one calling theirs a “DID” or downtown improvement district. If a business improvement district is established, the township has the right to assess a fee to people along a particular corridor which would go into a fund which would then provide the enhancements to that corridor.

Mr. Seeds felt that the three areas that should be considered are west of I-83 on Route 22, Paxtonia in the Neighborhood Commercial District area, and Linglestown.

Mr. Hawk stated that one issue is to decide what kind of assessment is reasonable. People may look at it as just another tax. Dauphin County General Authority contributed \$5,000 a year to the Harrisburg DID, with a 5-year commitment. The limits were not strictly limited to those downtown.

Mr. Seeds asked if Mr. Hawk liked the concept. Mr. Hawk answered that he does, because it could do some things for the corridor that may make it more user friendly and more enhanced. Mr. Hawk was concerned that the assessment be not too prohibitive that it becomes a burden over the Township. The Harrisburg DID does the Christmas lights and the flowers et cetera.

Mr. Hawk suggested the Board members look the information over and consider it, and Mr. Wolfe stated he would get more information for them on the assessment process.

Mr. Wolfe noted that there is also a main street manager program that helps fund professionals to provide services to these districts.

Mr. Crissman did not feel one way or the other about the projects, but noted he has seen what it has done for areas like State College. Mr. Crissman was not sure how the Township fit into that mold, since there is no centralized “downtown.” Mr. Wolfe agreed with Mr. Seeds that there are several areas that could be defined as a business district where services could be provided. Paxtonia, Linglestown, Old Colonial Park, and a portion of Union Deposit Road could all be locations.

Mr. Hawk agreed that places like Annapolis, Gettysburg and State College have very defined areas, where you can park and walk everywhere.

Mr. Seeds felt strongly about Paxtonia, and was concerned that in 20 years, it could deteriorate to an area that the Township is less than proud of if something isn’t done. Mr. Seeds stated it needs to be promoted somehow, and added that the area has been rezoned to Neighborhood Commercial District, and that should be promoted. Linglestown is already being worked on.

Mr. Hawk had originally thought about the area of the Route 22 corridor, but thought Linglestown would be a good example, and very similar to Hummelstown.

Mr. Wolfe stated that information is easy to get, and most improvement districts are in boroughs and 3rd class townships, but Lower Paxton Township may certainly have an application for it. Mr. Hawk felt it was a nice opportunity. Mr. Crissman agreed, asking for more information. Mr. Crissman wondered if there was someone who has a setup like Lower Paxton Township that we could model after.

Mr. Seeds noted that the next census will put Lower Paxton Township over 50,000 in population, and may be eligible for more grants.

Adjournment

The Lower Paxton Township Authority Board will meet March 6, 2007.

There will be a joint meeting with the Board of Supervisors and the Planning Commission on March 27, 2007 at 5:00 pm to review the Zoning Ordinance changes, and the proposed Subdivision and Land Development Ordinance.

There being no further business, Mr. Seeds made a motion to adjourn the meeting. Mr. Hornung seconded the motion, and the meeting adjourned at 9:47 p.m.

Respectfully submitted,

Michelle Hiner

Approved by,

Gary A. Crissman
Township Secretary